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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-08-527 SI
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO AMEND BRIEFING
13 v.)	SCHEDULE AND CONTINUE HEARING
)	ON DEFENDANT'S MOTION TO
14 FARID TEJADA-BERRIOS)	DISMISS
)	
15 Defendant.)	
)	
16)	

- 17
- 18 1. On September 9, 2008, the Court held a status conference in the above-captioned case, at
19 which time the Court set a briefing schedule and hearing date for Mr. Tejada-Berrios's
20 motion to dismiss.
- 21 2. Pursuant to that briefing schedule, Mr. Tejada-Berrios was required to file his motion on
22 September 26, 2008; the government was to file its opposition on October 17, 2008; and
23 defendant was to file his reply on October 24, 2008. The hearing on the motion was
24 scheduled for October 31, 2008.
- 25 3. Though defense counsel has been mindful of the deadlines set in this case, it is taking
26 longer than expected to secure the expert declaration necessary to file the motion. This is

- 1 both because the usual expert used by the Federal Defender's office is unavailable and
2 because of the large amount of discovery that needs to be reviewed to file a declaration.
- 3 4. In order to ensure that Mr. Tejada-Berrios's motion is both accurate and complete, he
4 respectfully requests that the court amend the motions schedule as follows:
- 5 Defendant's Motion due: October 17, 2008
- 6 Government's Response due: November 7, 2008
- 7 Defendant's Reply due: November 14, 2008
- 8 Motions Hearing: November 21, 2008
- 9 5. Undersigned counsel has discussed the continuance request with AUSA Matthew
10 McCarthy, and he does not oppose the request. The above dates are amenable to his
11 schedule as well.
- 12 6. As the Motion has already been filed, time will be excluded under the Speedy Trial Act
13 through the conclusion of the hearing on the motion. *See* 18 U.S.C. § 3161(h)(1)(F).
14 IT IS SO STIPULATED.

15
16 9/22/08
DATED _____

_____/s/
MATTHEW MCCARTHY
Assistant United States Attorney

17
18
19 09/22/08
DATED _____

_____/s/
RITA BOSWORTH
Assistant Federal Public Defender

20
21
22 IT IS SO ORDERED.

23 

24 _____
DATED

SUSAN ILLSTON
United States District Judge